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Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Macoviak et al.

Docket No.: 9542.18429-FOR

Serial No.: 10/676,815

Examiner: Unknown

Filed: 1 October 2003

Group Art Unit: 3738

Title: Devices, Systems, and Methods for Supplementing, Repairing, or Replacing a Native Heart Valve Leaflet

PETITION FOR AN UNINTENTIONALLY DELAYED BENEFIT CLAIM  
PURSUANT TO 37 C.F.R. §1.78(a)(3)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



26308

PATENT TRADEMARK OFFICE

Dear Sir:

Applicant requests to amend the benefit claim under 35 U.S.C. §120 of the above-noted application, as follows in marked-up form:

This application ~~claims the benefit~~ is a continuation-in-part of co-pending United States Patent Application Serial No. 09/666,617, filed September 20, 2000 and entitled "Heart Valve Annulus Device and Methods of Using Same," which is incorporated herein by reference. This application is also ~~claims the benefit~~ a continuation-in-part of Patent Cooperation Treaty Application Serial No. PCT/US 02/31376, filed October 1, 2002 and entitled "Systems and Devices for Heart Valve Treatments," which claimed the benefit of United States Provisional Patent Application Serial No. 60/326,590, filed October 1, 2001, which are incorporated herein by reference. This application also claims the benefit of United States Provisional Application Serial No. 60/429,444, filed November 26, 2002, and entitled "Heart Valve Remodeling Devices;" United States Provisional Patent Application Serial No. 60/429,709, filed November 26, 2002, and entitled "Neo-Leaflet Medical Devices;" and United States Provisional Patent Application Serial No.

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60/429,462, filed November 26, 2002, and entitled "Heart Valve Leaflet Retaining Devices," which are each incorporated herein by reference.

The priority claim has been amended to provide the relationship of related applications.

Applicant states that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78 and the date the claim was filed was unintentional.

Applicant hereby petitions for acceptance of the unintentionally delayed benefit claim.

The requisite fee under 37 C.F.R. §1.17(t) is submitted herewith.

Respectfully Submitted,

By Patricia A. Limbach  
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8 November 2004

Customer No.: 26308

Ample/18429-FOR/041108 Petition Under 37 C.F.R. 1.78(a)(i)



## CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, on the date indicated below in an envelope addressed as follows: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

By:

Linda S. Wenzel

Dated:

8 November 2004

Linda S. Wenzel